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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/692,124  | 10/23/2003  | Venkat Venkatsubra   | AUS920030455US1            | 2155                   |
| 28722 7590 06/04/2007<br>BRACEWELL & PATTERSON, L.L.P.<br>P.O. BOX 969<br>AUSTIN, TX 78767-0969 |             |                      | EXAMINER<br>LAI, MICHAEL C |                        |
|   |             |                      | ART UNIT<br>2109           | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>06/04/2007    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/692,124             |  | VENKATSUBRA ET AL.  |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Michael C. Lai         |  | 2143                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 oct 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

This application has no priority claim made. The filing date is 10/22/2003.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. ("Stream Control Transmission Protocol", RFC 2960, Oct 2000, and US 7,051,109 B1, hereinafter Stewart) in view of McClellan et al. (US 7,111,035 B2, hereinafter McClellan).

4. As for claims 1, 7, 10, 15, 18 and 24, Stewart discloses creating an association between two multi-homed network endpoints for transfer of a plurality of data streams between said endpoints as a function of a plurality of addresses of said endpoints (RFC 2960 Section 5 and 6). The multi-homing feature of the SCTP allows an SCTP

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endpoint to be represented to its peers as a combination of a set of eligible destination transport addresses to which SCTP packets can be sent and a set of eligible source transport addresses from which SCTP packets can be received (US 7,051,109 B1 column 3 line 46-51).

Stewart discloses substantial features of the claimed invention, but fails to disclose using separate nodes on a multi-homed endpoint. However, McClellan discloses separate independent nodes for one endpoint and the use of association to combine these nodes as one endpoint to its peers. It would have been obvious to one of ordinary skill in the art to incorporate the teaching of McClellan into the system of Stewart at the time of the invention for the remote to transfer a remote data stream to the client using one or more of the plurality of addresses of the remote used to create the association such that the client receives the remote data stream within the association as claimed in the invention.

5. As for claims 2, 11 and 19, the rejection of claim 1 is incorporated, and further Stewart discloses the SCTP association with IP addresses using the multi-homed feature.

6. As for claims 3, 12 and 20, the rejection of claim 2 is incorporated, and further Stewart inherently discloses the step of instructing includes providing the remote with a stream identification number and an IP address for the client.

7. As for claims 4, 13 and 21, the rejection of claim 2 is incorporated, and further Stewart inherently discloses the step of instructing includes providing the remote with a

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range of transmission sequence numbers and instructing the remote to transmit the remote data stream within the range (Section 3.3.2).

8. As for claims 5, 14 and 22, the rejection of claim 4 is incorporated, and further Stewart inherently discloses the steps of: receiving an acknowledgement from the remote indicating that the client has received a remote data stream within the range; providing the remote with a new range of transmission sequence numbers, and instructing the remote to transmit the remote data stream within the new range (Section 1.4).

9. As for claims 6 and 23, the rejection of claim 2 is incorporated, and further Stewart inherently discloses the steps of: creating an association in the remote with the client without receiving an INIT at the remote from the client; and transmitting the remote data stream to the client using an IP address of the remote specified by the home in an INIT ACK message sent to the client included in creating the association (Section 5).

10. As for claims 8, 16 and 25, the rejection of claim 1 is incorporated, and further Stewart inherently discloses the steps of: transmitting a stream aggregation command from the home to the remote specifying a stream identifier and an address of the client to be used for transmission of the remote data stream (Section 3.3.1).

11. As for claims 9, 17 and 26, the rejection of claim 1 is incorporated, and further Stewart inherently discloses the steps of: transmitting a transmission sequence range command from the home to the remote specifying a range of transmission sequence numbers to be used for transmission of the remote data stream (Section 1.4, 1.6).

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### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai  
17MAY2007

  
MARVIN M. LATEEF  
SUPERVISORY PATENT EXAMINER